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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,374	01/30/2004	Masato Minami	1232-5270	7922
27123	7590	09/19/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			DINH, JACK	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/769,374	MINAMI, MASATO
	Examiner Jack Dinh	Art Unit 2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4 and 5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4 and 5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: DETAILED ACTION.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Machida (US Patent 6,879,430) in view of Ikeda et al. (US Patent 6,897,996).

Regarding claim 1, Machida (figure 6) is interpreted as disclosing an electrophoretic display comprising a substrate **22**, a first electrode **38A-C** and a second electrode **24** having a predetermined size and shape and arranged regularly supported by the substrate, and microcapsules **84** (figure 19) each containing a dispersion liquid comprising a dispersion medium and two species of electrophoretic particles **18** and **20** different in charge polarity and color, are disposed on the second electrode, wherein the first and second electrodes are disposed so as to create an electric field along a surface of the substrate and are to be supplied with a voltage so as to move the two species of electrophoretic particles in mutually opposite directions along the electric field to effect display by viewing the two species of electrophoretic particles gathered on the second electrode from above the substrate (see figure 6). Machida is interpreted as disclosing all the claimed limitations except for an insulation layer disposed between the first electrode and the second electrode. Within the same field of endeavor, Ikeda (figure 1, col. 8,

lines 16-25) is interpreted as disclosing this teaching of an insulation layer **8** disposed between the first electrode **6** and the second electrode **7**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an insulator layer between the two electrodes, as taught by Ikeda, for the purpose preventing injection of charge from the electrode into the charged particles.

Regarding claim 4, Machida is interpreted as further disclosing that the colors of the two species of electrophoretic particles are white and black (col. 9, lines 48-49) and the display effects white and black display (col. 4, lines 30-41).

Regarding claim 5, Machida is interpreted as further disclosing the teaching of color filter disposed on the microcapsules to effect color display (col. 2, lines 33-50).

#### *Response to Arguments*

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Dinh



Georgia Y. Epps  
Supervisory Patent Examiner  
Technology Center 2800